

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
BRYSON CITY DIVISION  
2:06CR15**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Vs.</b>	)	<b>AMENDED ORDER</b>
	)	
<b>GEORGE DAVIS HORNBUCKLE, SR.,</b>	)	
	)	
<b>Defendant.</b>	)	
_____	)	

THIS CAUSE coming on to be heard before the undersigned, pursuant to a motion filed in this matter entitled, “Joint Motion for New Plea/Rule 11 Hearing”( #12) which was addressed in this court’s Order (#14) filed on June 6, 2007. It now further appearing to the court based upon representations of Fredilyn Sison, attorney for the defendant and Don Gast, Assistant United States Attorney, that further research has revealed the statute referred to as 18 U.S.C. § 2244(a)(5) also known as the “new subsection” was not effective or signed into law until July 27, 2006. The defendant is charged with acts that were allegedly committed on March 10, 2006. The effective date of the statute being after the date of the offense would create another reason for the undersigned to deny the joint motion of the Government and the defendant to schedule another Rule 11 hearing.

**ORDER**

WHEREFORE, IT IS **ORDERED** that the “Joint Motion for New Plea/Rule 11 Hearing” (#12) is further **DENIED based upon the additional grounds as set forth above.**

Signed: June 11, 2007

Dennis L. Howell

Dennis L. Howell  
United States Magistrate Judge

